

# House File 2113 - Introduced

HOUSE FILE 2113

BY WINDSCHITL, BRANDENBURG,  
J. TAYLOR, SCHULTZ,  
HELLAND, CHAMBERS, ALONS,  
FRY, WAGNER, JORGENSEN,  
SWEENEY, HUSEMAN,  
SODERBERG, MASSIE, SHAW,  
PEARSON, and PETTENGILL

## A BILL FOR

1 An Act relating to the carrying and possession of weapons and  
2 providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.52, subsection 2, paragraph a,  
2 subparagraph (4), subparagraph division (a), subparagraph  
3 subdivision (viii), Code 2011, is amended to read as follows:

4 (viii) Section 724.4, if the child ~~carried the dangerous~~  
5 ~~weapon~~ used the knife in the commission of a crime on school  
6 grounds.

7 Sec. 2. Section 708.8, Code 2011, is amended to read as  
8 follows:

9 **708.8 Going armed with intent.**

10 A person who goes armed with any dangerous weapon with the  
11 intent to use without justification such weapon against the  
12 person of another commits a class "D" felony. The intent  
13 required for a violation of this section shall not be inferred  
14 from the mere carrying or concealment of any dangerous weapon  
15 itself, including the carrying of a loaded firearm, whether in  
16 a vehicle or on or about a person's body.

17 Sec. 3. Section 724.4, Code 2011, is amended by striking the  
18 section and inserting in lieu thereof the following:

19 **724.4 Use of a knife in the commission of a crime.**

20 A person who goes armed with a knife on or about the person,  
21 if the person uses the knife in the commission of a crime,  
22 commits an aggravated misdemeanor.

23 Sec. 4. Section 724.4B, Code 2011, is amended by striking  
24 the section and inserting in lieu thereof the following:

25 **724.4B Carrying weapons on school grounds — penalty —**  
26 **exceptions.**

27 1. A person who goes armed with, carries, or transports a  
28 firearm of any kind, whether concealed or not, on the grounds  
29 of a school commits a class "D" felony. For the purposes of  
30 this section, "school" means a public or nonpublic school as  
31 defined in section 280.2.

32 2. Subsection 1 does not apply to the following:

33 a. A person who has been specifically authorized by the  
34 school to go armed, carry, or transport a firearm on the school  
35 grounds, including for purposes of conducting an instructional

1 program regarding firearms.

2     *b.* A peace officer, when the officer's duties require the  
3 person to carry a firearm.

4     *c.* A member of the armed forces of the United States or  
5 of the national guard or person in the service of the United  
6 States, when the firearms are carried in connection with the  
7 person's duties as such.

8     *d.* A correctional officer, when the officer's duties  
9 require, serving under the authority of the Iowa department of  
10 corrections.

11     *e.* A person who for any lawful purpose carries an unloaded  
12 pistol, revolver, or other dangerous weapon inside a closed and  
13 fastened container or securely wrapped package which is too  
14 large to be concealed on the person.

15     *f.* A person who for any lawful purpose carries or transports  
16 an unloaded pistol or revolver in a vehicle inside a closed  
17 and fastened container or securely wrapped package which is  
18 too large to be concealed on the person or inside a cargo  
19 or luggage compartment where the pistol or revolver will not  
20 be readily accessible to any person riding in the vehicle or  
21 common carrier.

22     *g.* A law enforcement officer from another state when the  
23 officer's duties require the officer to carry the firearm and  
24 the officer is in this state for any of the following reasons:

25         (1) The extradition or other lawful removal of a prisoner  
26 from this state.

27         (2) Pursuit of a suspect in compliance with chapter 806.

28         (3) Activities in the capacity of a law enforcement officer  
29 with the knowledge and consent of the chief of police of the  
30 city or the sheriff of the county in which the activities occur  
31 or of the commissioner of public safety.

32     Sec. 5. Section 724.4C, Code 2011, is amended to read as  
33 follows:

34     **724.4C Possession or carrying of firearms while under the**  
35 **influence.**

1 1. A permit issued under this chapter is invalid if the  
2 Except as provided in subsection 2, a person to whom the permit  
3 is issued is commits a serious misdemeanor if the person  
4 is intoxicated as provided under the conditions set out in  
5 section 321J.2, subsection 1., and the person does any of the  
6 following:

7     a. Carries a dangerous weapon on or about the person.

8     b. Carries a weapon within the person's immediate access or  
9 reach while in a vehicle.

10      2. This section shall not apply to any of the following:

11     a. A person who carries or possesses a dangerous weapon  
12     while in the person's own dwelling, place of business, or on  
13     land owned or lawfully possessed by the person.

14 b. The transitory possession or use of a firearm during  
15 an act of justified self-defense or justified defense of  
16 another, provided that the possession lasts no longer than is  
17 immediately necessary to resolve the emergency.

18      Sec. 6. Section 724.5, Code 2011, is amended by striking the  
19 section and inserting in lieu thereof the following:

20       724.5 Availability of permit not to be construed as  
21 prohibition on unlicensed carrying of weapons.

22 The availability of a professional or nonprofessional permit  
23 to carry weapons under this chapter shall not be construed  
24 to impose a general prohibition on the unlicensed carrying,  
25 whether openly or concealed, of a deadly weapon, including a  
26 loaded firearm.

27 EXPLANATION

28       This bill relates to the carrying and possession of weapons  
29 and provides penalties.

30 The bill amends Code section 708.8, the crime of going armed  
31 with a dangerous weapon with intent, a class "D" felony, to  
32 provide that the intent element required for a violation of  
33 this crime shall not be inferred from the mere carrying or  
34 concealment of a dangerous weapon.

35 The bill strikes Code section 724.4 relating to the crime

1 of carrying dangerous weapons, an aggravated misdemeanor,  
2 and creates a new crime of going armed with a knife in the  
3 commission of a crime, an aggravated misdemeanor. The bill  
4 makes a conforming change to Code section 232.52, subsection  
5 2, relating to the suspension or revocation of a juvenile's  
6 driver's license or operating privilege.

7 The bill makes nonsubstantive changes to Code section 724.4B  
8 relating to the carrying of weapons on school grounds.

9 The bill amends Code section 724.4C relating to the crime of  
10 possession or carrying of firearms while under the influence  
11 of alcohol or a drug. Current law invalidates a permit to  
12 carry weapons if the person to whom the permit is issued is  
13 intoxicated, as defined in Code section 321J.2, subsection 1  
14 (while under the influence of an alcoholic beverage or other  
15 drug or a combination of such substances, while having an  
16 alcohol concentration of .08 or more, or while any amount of a  
17 controlled substance is present in the person, as measured in  
18 the person's blood or urine). The bill amends this provision  
19 to provide that a person commits a serious misdemeanor if  
20 the person is intoxicated and the person either carries a  
21 dangerous weapon on or about the person or carries a dangerous  
22 weapon within the person's immediate access or reach while in  
23 a vehicle. This crime does not apply to situations where a  
24 person carries or possesses a dangerous weapon while in the  
25 person's own dwelling, place of business, or on the person's  
26 land, and the transitory possession or use of a firearm during  
27 an act of justified self-defense or justified defense of  
28 another, if the possession of the firearm lasts no longer than  
29 immediately necessary to resolve the emergency.

30 The bill strikes Code section 724.5 relating to a person's  
31 duty to carry a valid permit to carry certain weapons for which  
32 a permit has been issued to the person and replaces that Code  
33 section to provide that the availability of a professional or  
34 nonprofessional permit to carry weapons shall not be construed  
35 to impose a general prohibition on the unlicensed carrying of a

H.F. 2113

1 deadly weapon including a loaded firearm.